

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF INDIANA  
NEW ALBANY DIVISION

IN RE:	)	Chapter 11
	)	
EASTERN LIVESTOCK CO., LLC	)	Case No. 10-93904-BHL-11
	)	
Debtor.	)	Hon. Basil H. Lorch III

**APPLICATION TO EMPLOY NORMAN J. GALLIVAN, INC.  
AS AUCTIONEER**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), respectfully moves this Court for an order authorizing the Trustee to employ Norman J. Gallivan, Inc. ("Gallivan") as auctioneer pursuant to the terms and conditions of the Auctioneer Engagement Agreement (the "Agreement") attached as Exhibit A. In support of this application ("Application"), the Trustee respectfully represents the following:

1. The Debtor owns the items of personal property listed on attached Exhibit B (collectively, the "Personal Property")<sup>1</sup>. The Personal Property is primarily located at Debtor's primary business office, which is commonly known as 135 West Market Street, New Albany, Indiana 47150 (the "Real Estate").

2. The Trustee and Republic Bank & Trust Company ("Republic") are parties to a month-to-month lease (the "Lease") by which the Trustee continues to occupy the Real Estate. (See Dock. No. 685). Pursuant to the terms of the Lease, Republic may terminate the Lease upon thirty (30) days written notice to the Trustee.

3. The Trustee believes, in his business judgment, that an auction sale of some or all of the Personal Property pursuant to the terms and conditions of the Agreement will

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<sup>1</sup> The Personal Property does not include all personal property assets of Debtor.

result in the greatest recovery for Debtor's estate. The Trustee reserves the right to select the items of Personal property for sale.

4. Gallivan is duly qualified to conduct an auction sale of the Personal Property.

5. The Trustee has received from Gallivan an offer to liquidate the Personal Property at auction upon the terms and conditions contained in attached Exhibit A.

6. The Trustee has been informed and believes that Gallivan is disinterested as that term is defined in 11 U.S.C. § 101. Gallivan neither represents nor holds any interest adverse to the interests of the bankruptcy estate with respect to the matters on which Gallivan is to be employed.

7. Gallivan is aware of the provisions of 11 U.S.C. § 328, and has agreed, notwithstanding the terms and conditions of employment set forth in this Application, that the Court may allow compensation different from the terms provided in the Application if the terms and conditions prove to have been improvident in light of developments which could not have been anticipated at the time the terms and conditions were fixed.

8. Because the Trustee is unable to determine the gross proceeds likely to be realized from the sale of the Personal Property, the Trustee requests that the order approving this Application waive the bond requirement contained in Rule-B-6005-1 of the Rules of this Court.

WHEREFORE, the Trustee respectfully requests that the Court enter an order approving the employment of Gallivan on the terms and conditions described herein and grant the Trustee all other just and proper relief.

Respectfully submitted,

By: /s/ Dustin R. DeNeal

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### **CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2011, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

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I further certify that on October 20, 2011, a copy of the foregoing pleading was served via electronic mail transmission on the following:

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